

## **REMARKS/ARGUMENTS**

### **Discussion of Amendments to the Claims:**

Claims 1, 4, 6-8, 11, 12, 14-22 and 24 were examined.

Claims 19-21 and 24 were allowed. Applicants thank the examiner for the allowance of these claims.

Claim 4 was objected to as being dependent upon a rejected base claim. Applicant's have canceled claim 4 and amended independent claim 1 to include the limitations of claim 4. Amended claim 1 is identical to what claim 4 would have read if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Therefore claim 1 is in condition for allowance.

Claims 1, 6-8, 11, 12, 14-18 and 22 were rejected for 35 USC §102 reasons.

Claim 1 has been amended as described above.

Claim 4 has been canceled as described above.

Claim 11 has been amended to include "a recess for mating with the protrusion" element present in currently allowable claims; and includes wherein "the locking mechanism engages the blade directly when locking the blade in a closed position. Support for this feature is found at least in the specification in Paragraphs 28, 30 and 32 and Figs. 8A, 9, and 11.

Claim 18 has been amended to include features of the locking mechanism which "includes a portion for interfitting with a blade portion when the blade is in a closed position and when the locking mechanism is in a locked position". Support for this feature is also found at least in the specification in Paragraphs 28, 30 and 32 and Figs. 8A, 9, and 11.

Claim 22 has been amended to include in the method claim language related to directly locking the blade with the mechanism similar to claims 11 or 18.

No new matter has been introduced. Entry of the above revisions is respectfully requested.

**Discussion of Rejections under 35 USC §102(b)**

Claims 1, 6-8, 11, 17, 18 and 22 were rejected under 35 USC §102(b) as allegedly anticipated by Pardue, U.S. Patent No. 5,822,866. Applicants have carefully reviewed the statement of the instant rejection and respectfully traverse. However, for business considerations, claims 1, 11, 18 and 22 have been amended to include additional limitations further rendering the rejection moot.

The examiner has recognized that the Pardue reference provides a locking mechanism "acting in a way **indirectly** to lock the blade in a closed position." As described in column 1 lines 60-66 of the Pardue Patent, Pardue discloses a two-component safety mechanism featuring "a safety lock for an automatic knife includes a stop movable between an engaged position in which the stop prevents a blade latch mechanism from being operated, as by preventing a control device such as a push button from moving far enough to cause the latch mechanism to release the blade from either its closed position or its extended position."

The locking mechanism disclosed in the present invention is a single pivoting locking mechanism which directly engages the blade of the knife and prevents the blade from opening, a liner lock is used for locking the blade in the open position.

Claim 1 has been amended to include the allowable subject matter of claim 4, and claims 6 and 8 depend from amended claim 1, claim 7 depends from claim 6 which depends from claim 1, the amendment to claim 1 makes the rejection to claims 1, 6-8 moot and therefore the examiner should withdraw the rejection.

For business considerations and in the interest of furthering prosecution claims 11, 18 and 22 have been amended as described above to include language related to the direct relationship of the locking mechanism with the blade. Support for the language is found at least in the specification in Paragraphs 28, 30 and 32 and Figs. 8A, 9, and 11. In light of the amendments the rejections for claims 11, 18, 22 and claim 17, which depends from claim 11, should be rendered moot.

Applicants respectfully request withdrawal of the 35 USC §102(b) rejection.

**Discussion of Rejections under 35 USC §102(e)**

Claims 11, 12 and 14-17 were rejected under 35 USC §102(e) as allegedly anticipated by Glesser, U.S. Patent Application Publication 2004/0045170. Applicants have carefully reviewed the statement of the instant rejection and respectfully traverse. However, for business considerations, claim 11 has been amended to include a recess component clearly not present in Glesser. Because claims 12 and 14-17 are dependent on claim 11 or another dependent claim of claim 11 the rejection is moot.

Applicants respectfully request withdrawal of the 35 USC §102(e) rejection.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 858-350-6100.

Respectfully submitted,



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